

**Statement of Rep. Christopher H. Smith**  
**Chairman, Subcommittee on Africa, Global Human**  
**Rights and International Operations**  
**Hearing on “Lifting the Veil: Getting the Refugees Out, Getting Our Message In:**  
**An Update on the Implementation of the North Korean Human Rights Act”**  
**October 27, 2005**

First of all, I would like to thank my good friend from Iowa, Jim Leach, for co-chairing this second joint hearing on the North Korean Human Rights Act of 2004. We co-chaired the first hearing on the Act on April 28th of this year to examine its implementation, and I expressed my concern then that the Administration was not implementing the legislation with the same resolve with which Congress passed it. I continue to have those concerns.

Last July, I had the privilege to meet two of the witnesses who will be testifying at this hearing. They are women from North Korea who have experienced first-hand the horrors not only of the human rights abuses in their own country, but of the unspeakable degradation, enslavement and exploitation of the human trafficking systemically taking place in China. Their stories are made even more poignant by the suffering they endured at seeing their daughters subjected to the same fate. Their accounts reinforced my resolve to ensure the implementation of the Act, and I am certain that their witness here today will likewise benefit all of us who have the opportunity to hear them.

Unfortunately, the experiences of our witnesses are not unique for the women of North Korea. According to Ambassador John Miller, the director of the Office to Monitor and Combat Trafficking in Persons at the U.S State Department, between 80

and 90 percent of the refugees from North Korea, especially women and young children, become victims of trafficking in China. We know that women and girls are forced into prostitution, or sold into so-called “marriages” that are frequently abusive. Some escape only to be captured and re-sold multiple times. In violation of China’s obligations as a signatory to the UN Refugee Convention, the Government of China hunts down North Koreans and forcibly returns them into the hands of the brutal North Korean regime. Of those returnees, most are imprisoned, many are tortured, and some are executed. Pregnant prisoners are routinely beaten or coerced into aborting their unborn children, as the regime also considers them to be political criminals.

The plight of the North Korean refugees is not unknown to the international community. I understand that a resolution is under consideration by the Third Committee at the United Nations that addresses the human rights abuses in North Korea, including the suffering of North Korean refugees. Non-governmental organizations are attempting to assist the North Koreans in China, although there are reports that Chinese authorities are arresting the leaders of these organizations and expelling them, too. A third witness at this hearing who heads a non-governmental organization in South Korea will be available to give us an NGO’s perspective on the North Korean refugee crisis.

China’s refusal to grant the UNHCR access to the border provinces despite being a party to the Refugee Convention and its Protocol, and its general refusal to allow UNHCR to process most North Korean refugees in China, is unacceptable. So is the Chinese government’s blind eye to human trafficking. But what is perhaps most

troubling is our own apparent inability to implement the North Korea Human Rights Act. It is simply shameful that the U.S. still has not resettled a single North Korean refugee since the Act's passage. We understand the difficulties the UNHCR, the U.S. State Department and the Department of Homeland Security have in processing these refugees in China and other neighboring Asian countries. But the law gives the U.S. government clear marching orders to assist these refugees, and it is incumbent on the U.S. government to find ways to do so.

To emphasize the urgency and importance of this issue, I have included an amendment in this year's State Department Authorization Bill that calls for a detailed description of the measures undertaken by the Secretary of State with respect to facilitating refugee application submissions under the Act. This description would include country-specific information with respect to United States efforts to secure the cooperation and permission of the governments of countries in East and Southeast Asia to facilitate United States processing of North Koreans seeking protection as refugees. We need to work closely with the UN and our South Korean allies to solve this problem, and quickly. I would hope that the testimony we will hear today will motivate us to take action.

The remainder of the hearing will focus on a purpose of the Act that these subcommittees have not yet addressed – to promote the free flow of information into and out of North Korea. According to this Committee's Report on the Act, North Korea's official media--the only media allowed in North Korea--extensively glorifies the wisdom

and rule of Kim Jong Il (KJHM JAWNG IHL), feeds paranoia about the threat of attack by the United States, and misrepresents the conditions and standards of living that exist in the outside world, particularly in South Korea. In general, North Koreans are subject to pervasive, lifelong indoctrination, and lack an independent frame of reference from which to judge either the claims of the regime or the genuine disposition of the outside world (and particularly the United States) toward the North Korean people.

The North Korean penal code considers the listening to foreign broadcasts a “crime against the revolution” subject to capital punishment. Yet despite the threat of death, surveys of North Korean refugees and defectors indicate that between a quarter and half of North Koreans modify their fixed-channel radios to receive foreign broadcasts. There also is evidence that a sizable number of North Koreans listen to the broadcasts while residing temporarily in other countries, including China, after fleeing North Korea. Therefore, it is clear that the Act’s provisions for providing objective information through broadcasting to North Koreans are of significant importance.

It is regrettable that no one from the Department of State was available today to testify about the Executive Branch’s implementation of the relevant sections of the Act, though I was pleased to learn that they have offered to give a classified briefing to Committee Members and staff in the near future. I am grateful to our witnesses who have traveled all the way from South Korea just to be with us here today, and to those who have made their attendance possible. I look forward to the testimony of all of our witnesses with the expectation that it will give a needed impetus to the full

implementation of the Act, for the benefit of the suffering and oppressed North Korean people.

I now yield to my good friend and colleague from New Jersey, Ranking Member of the Africa and Global Human Rights Subcommittee, Mr. Payne. We will then hear from Mr. Leach, Chairman of the Asia and The Pacific Subcommittee.